



Howard Friedman
General Counsel

Joseph A. Baranello
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NYC Dept. of Education
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August 9, 2019

VIA EMAIL

Hugo Smith
MuckRock
60923-79609982@requests.muckrock.com

RE: #F14,997

Escalators at Stuyvesant High School

Dear Mr. Smith:

This letter is in final response to the above-referenced Freedom of Information Law (FOIL) request. Following a diligent search for records, responsive records were located. Enclosed, please find records responsive to your request. Access is denied to records and portions of records for the following reasons.

Public Officers Law ("POL") § 87(2)(a) permits an agency to deny access to records or portions thereof that are specifically exempted from disclosure by state or federal statute.

The Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and its implementing regulations, 34 C.F.R. Part 99 (together, FERPA), prohibit disclosure of personally identifiable information constituting or derived from education records, absent consent of the parent or eligible student, or the existence of a specifically enumerated exception in FERPA that would permit non-consensual disclosure. See 34 C.F.R. §99.3, §99.30 and §99.31. Accordingly, portions of records concerning students have been withheld on this basis and pursuant to POL § 87(2)(a).

Portions of records concerning students have also been redacted pursuant to POL § 87(2)(b), which permits an agency to deny access to records or portions thereof that if disclosed would constitute an unwarranted invasion of personal privacy under POL § 89(2). Portions of records constituting the names of certain witnesses and other individuals have been withheld on this basis.

Please be advised that the copying costs for these records is \$11.75. Please remit payment to:

Natacha Beaufile
New York City Department of Education
Office of Legal Services
52 Chambers St
New York, NY 10007



Any person denied access to a record may appeal the decision in writing within thirty days. Please state a specific ground for appeal and include copies of the initial request and the denial. Appeals should be sent to: Howard Friedman, General Counsel, c/o Office of Legal Services, New York City Department of Education, 52 Chambers Street – Room 308, NY, NY 10007, FOIL@schools.nyc.gov.

Sincerely,

Joseph A. Baranello /s/

Joseph A. Baranello
FOIL@schools.nyc.gov

JAB/ms